



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, September 1, 2009 at 9:00 a.m.

IN RE: TRANSPORTATION/LAND USE COMMITTEE REPORT/REQUEST FOR
PERMANENT PUMP AND HAUL/WASHINGTON IMMANUEL
PRESBYTERIAN CHURCH

Mrs. Buckley moved that the Board of Supervisors approve the Transportation and Land Use Committee recommendation that the County enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the Virginia Department of Health to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Road.

Mrs. Buckley further moved that if the Special Exception application (SPEX 2007-0053) is denied, this approval is no longer valid.

Seconded by Mr. Burton.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Delgaudio, Kurtz, McGimsey, Miller, Waters and York – Yes; None – No.

A COPY TESTE:


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

14b -TRANSPORTATION/LAND USE COMMITTEE REPORT/REQUEST FOR PERMANENT PUMP AND HAUL/WASHINGTON
IMMANUEL PRESBYTERIAN CHURCH

**BOARD OF SUPERVISORS
ACTION ITEM**

#14b

SUBJECT: Transportation and Land Use Committee Report:
Permanent Pump & Haul Request /Washington Immanuel
Presbyterian Church
LCTM : /91////////8A PIN: 243498730

ELECTION DISTRICT: Dulles

STAFF CONTACT(S): Joe Lock, Rural Supervisor, Loudoun County Health
Department
Douglas R. Hubbard, Loudoun County Health Department

CRITICAL ACTION DATE: At the Board's Pleasure

RECOMMENDATION:

Transportation and Land Use Committee: At its July 27, 2009 meeting, the Transportation and Land Use Committee voted 3-0-1, (Supervisor McGimsey absent) to forward this item to the Board of Supervisors with a recommendation that the County enter into a contractual agreement with the Virginia Department of Health and the Washington Immanuel Presbyterian Church to provide permanent pump and haul services to its property located at 23219 Evergreen Mills Road. It was also moved that if the Special Exception application (SPEX-2007-0053) is denied, this approval is no longer valid.

Staff: Staff recommends denial of Washington Immanuel Presbyterian Church's request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health and the Washington Immanuel Presbyterian Church to provide permanent pump and haul services to its property located at 23219 Evergreen Mills Road. The proposal does not meet the Health Department's policy for pump and haul, or the current Comprehensive Plan Policy regarding permanent pump and haul in the Rural Policy Area.

BACKGROUND:

The Applicant, Washington Immanuel Presbyterian Church, is proposing to use the existing building on its recently purchased property at 23219 Evergreen Mills Road. (Attachment 1) to accommodate the church. The existing building (constructed as an agricultural processing facility for American Produce Inc.) must be retrofitted to serve a 200 to 250 seat assembly area. The Applicant has submitted a Special Exception (SPEX 2007-0053) that would allow the Church in A-3 zoning. Second referral submission comments are being reviewed by the Planning Department.

A pump and haul permit was issued to the agricultural processing facility in 1998 to bring the facility into compliance with the County's zoning ordinances while the owner was in the process of relocating the business to another area. The owner had requested a maximum time frame of less than one year for this purpose as part of his Special Exception (SPEX-1998-0029) application (Attachment 2). The pump and haul system was installed in early 1999 to correct a potential health problem. An inspection of the property in August 2000 noted that the property was vacant. The pump and haul permit became null and void as the time limits were exceeded and the property vacated. On November 13, 2001, a request similar to Washington Immanuel Presbyterian Church's request was presented to the Board of Supervisors' Land Use Committee. The Committee recommended that the request be denied. The Board of Supervisors at their December 3, 2001 meeting denied the request for a permanent pump and haul permit (Attachment 3).

As part of their application for the pump and haul permit, the Washington Immanuel Presbyterian Church submitted a document providing justification and reasons for approval (Attachment 4). These justifications and reasons include a smaller membership that would meet primarily on weekends in contrast to the previous request in 2001 that proposed sewer service to serve a 400-member church and child care facility. Attachment 4 also includes a chart by Tri-Tek Engineering dated May 13, 2009 that compares the estimated sewage flows by use.

The property is located in the Rural Policy Area which currently precludes the extension of public sewer to serve such properties (Attachment 5). The Health Department has evaluated the soils on the property and has not found suitable soils for any type of on-site sewage disposal system. According to Loudoun Water, the closest existing location of public sewer in relation to the property is 3,675 feet to the East in a direct line crossing four private parcels (Attachment 6). However, staff recommends that if the Loudoun County Board of Supervisors approves the Washington Immanuel Presbyterian Church's request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health and the Washington Immanuel Presbyterian Church to provide permanent pump and haul services to its property and that if the pending SPEX 2007-0053 is denied, the pump and haul approval would no longer be valid.

At the January 26, 2009 meeting of the Transportation and Land Use Committee, the Committee requested that staff return to the Transportation and Land Use Committee with additional information concerning permitted uses on the applicant's property under the current circumstances.

At the July 27, 2009 meeting of the Transportation and Land Use Committee, staff discussed the uses permitted in the A-3 Agricultural Residential district, which are included in Attachment 7, and stated that without a sewage disposal system, the uses for the property are very limited. Most of these permitted uses require a means of sewage disposal that is sized appropriately for the intended use. Should the Board of Supervisors propose that this property which has been vacant for an extended period of time, be utilized, a pump and haul approval is necessary. Additional review of the proposed church use can occur during the review of the Special Exception application. The Applicant responded to the comments for the second referral on July 31, 2009. The SPEX may be considered at Public Hearing by the Planning Commission in October 2009. The Committee voted 3-0-1 (Supervisor McGimsey absent) to forward the applicant's request to the Board of Supervisors with a recommendation that the County enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the Virginia Department of Health to permit permanent pump and haul services to serve the property located at 23219 Evergreen

Mills Road. It was also moved that if the Special Exception application (SPEX-2007-0053) is denied, this approval is no longer valid.

ISSUES:

1. Health Department Policy:

The Health Department has historically recommended approval of permanent pump and haul applications only for existing occupied structures that have failing or substandard sewage disposal systems. This proposal is for a change of use that requires the retrofitting a structure that had a temporary permit which became null and void when the property became vacant in 2000.

2. Comprehensive Plan Policy:

The Revised General Plan, policies regarding pump and haul in the Rural Policy Area specify that pump and haul operations are permitted as a last resort and a temporary method to address a proven public health emergency (Attachment 5). As such, the Plan would not support permanent pump and haul in this case.

FISCAL IMPACT:

The Health Department monitors permitted pump and haul facilities by conducting annual inspections to insure compliance as well as the monitoring of pump outs as required by State Code. These inspections are included in current staff workloads and will have no additional fiscal impact.

ALTERNATIVES:

1. The County **not** enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the State Health Department to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Road.

-OR-

2. The County enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the State Health Department to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Road.

-OR-

3. The Board could defer consideration of this matter until after the pending Special Exception is considered by the Board of Supervisors

DRAFT MOTION(S):

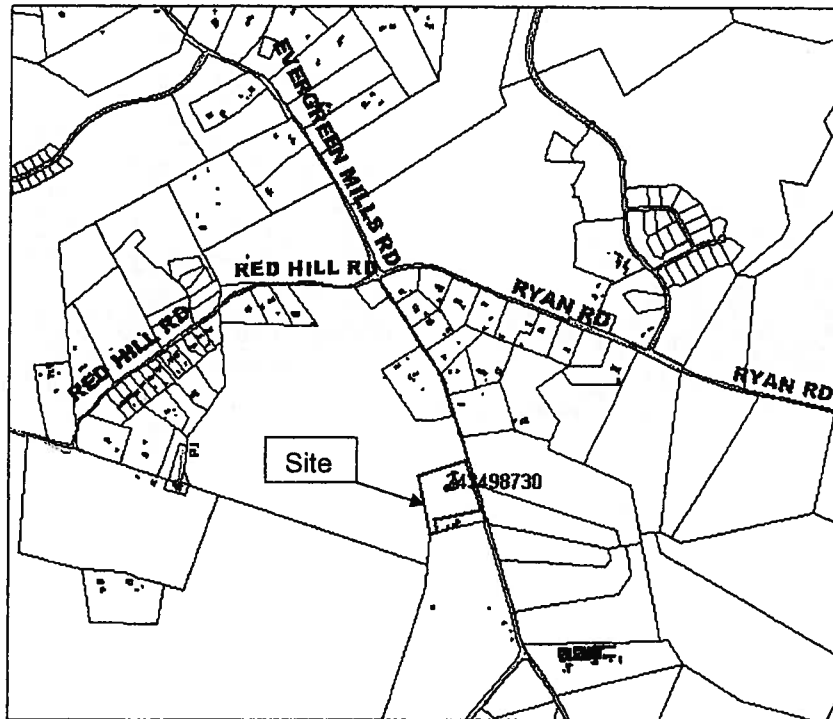
1. I move that the Board of Supervisors approve the Transportation and Land Use Committee recommendation that the County enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the Virginia Department of Health to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Road. I also move that if the Special Exception application (SPEX-2007-0053) is denied, this approval is no longer valid.

-OR-

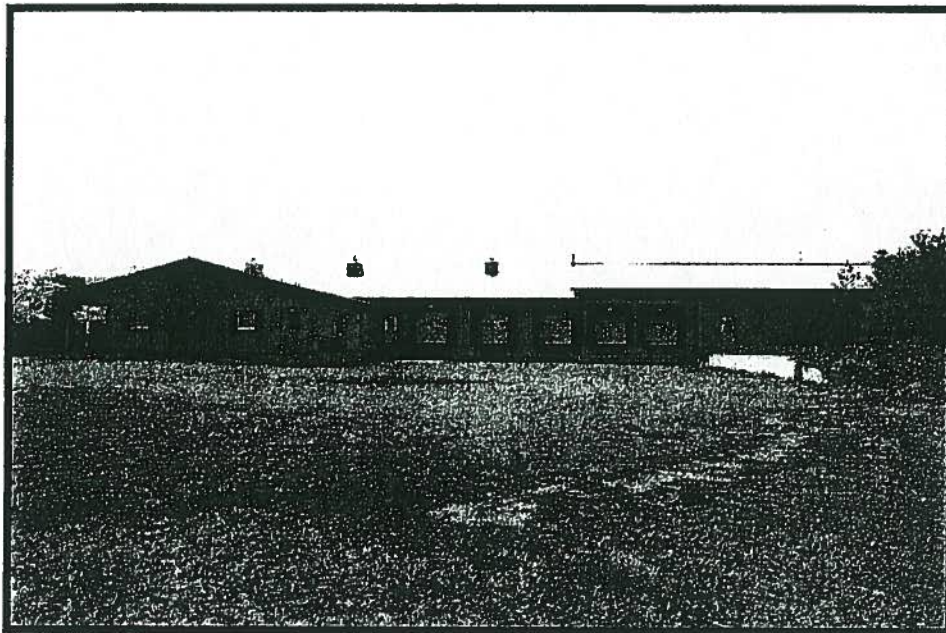
2. I move that the County **not** enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the Virginia Department of Health to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Road.

ATTACHMENTS:

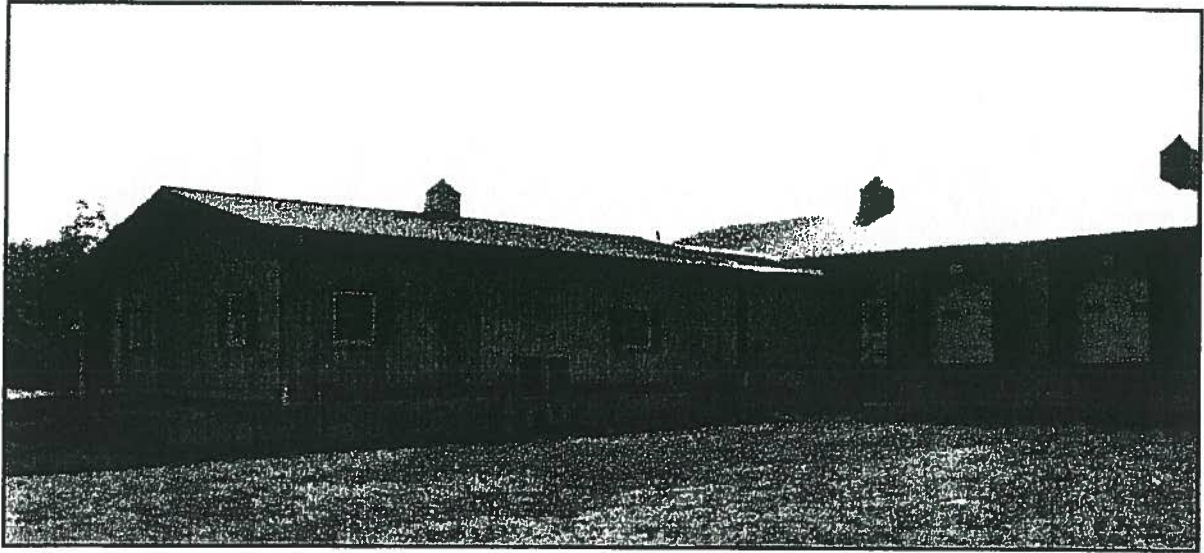
1. Location map and pictures of the property
2. American Produce, Inc Justification for Pump and Haul
3. Board of Supervisors Action Item 08.A, 2001-12-03 Meeting
4. Applicant's Justification for Pump and Haul
5. General Plan - Rural Area Policy
6. Loudoun Water letter dated January 14, 2009
7. Permitted Uses in A-3 Agricultural Residential Zoning



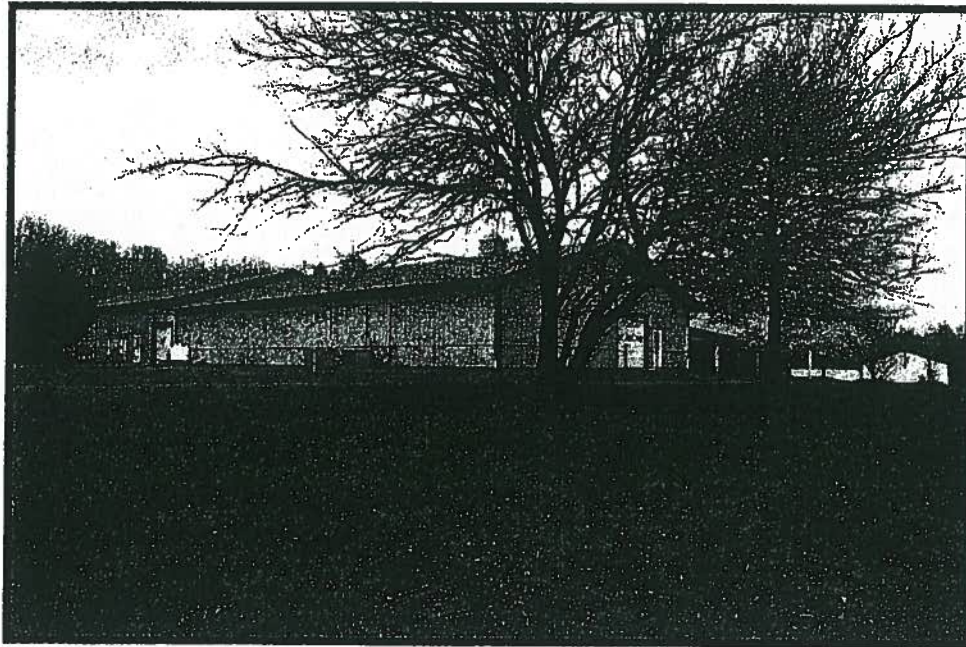
Location of property



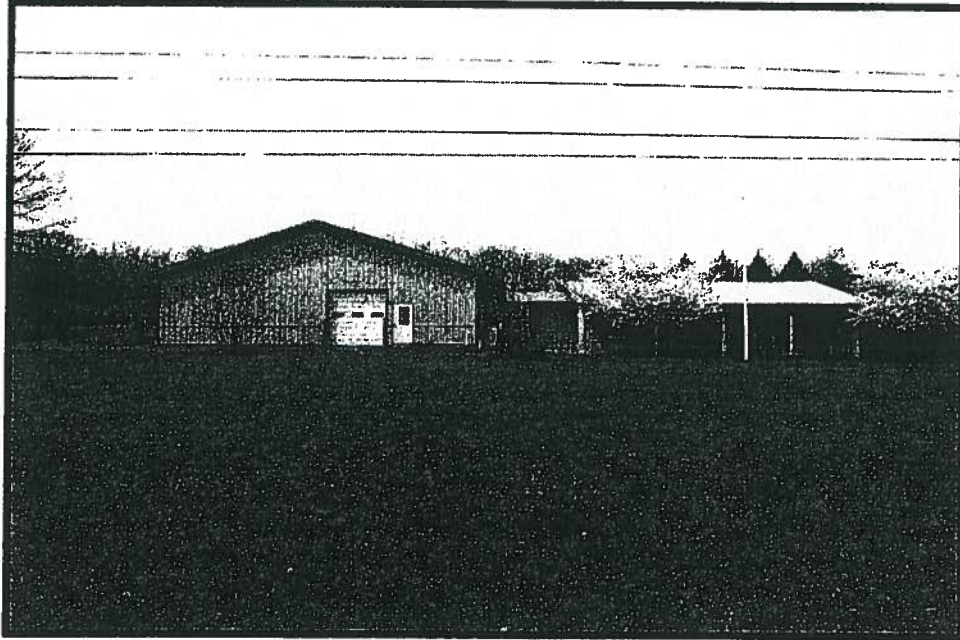
North Facing View - Loading Docks



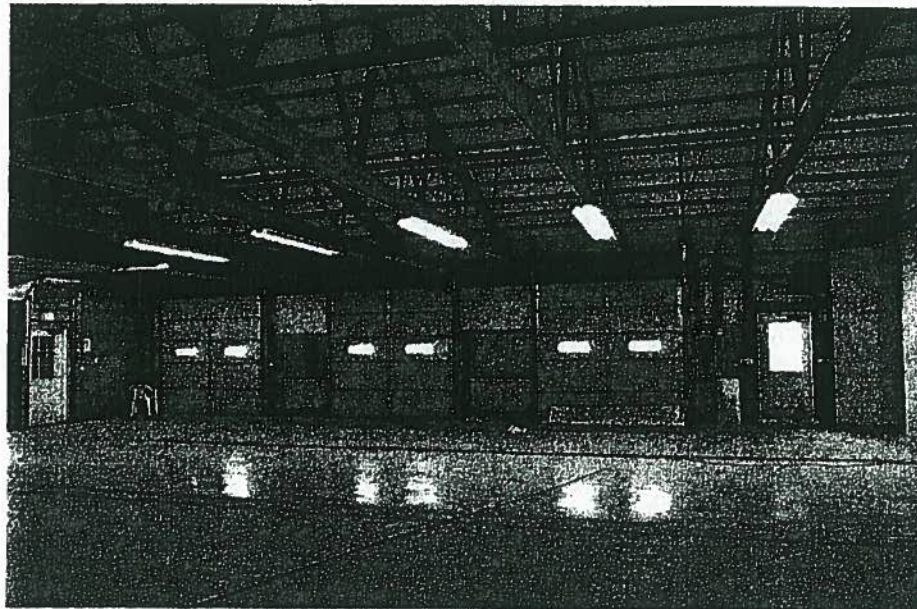
Loading Docks



South Facing View



View From Front of Property



Inside of loading Docks

AMERICAN PRODUCE, INC

Statement of Justification

August 13, 1998

Updated June 18, 1999

American Produce, Inc., is seeking a special exception permit to allow, for a limited time period, the continued operation of an "Agricultural Processing Facility" located on a 10± acre, A-3 (Agricultural Residential) zoned property identified as MCPI #243-49-8730 and Tax Map# 91-8A (the "Property"). The Property is situated on the west side of Route 621 (Evergreen Mill Road), South of Route 772 (Ashburn Road) and North of Route 616. The Property is administered under the 1993 Ordinance.

American Produce, Inc., operates a business which processes fresh agricultural products (i. e., fruits and vegetables) and markets these products locally and regionally. More specifically, the processing components of the business involve: receiving farm produce, cleaning, sorting, inspecting, grading, refrigerating, ripening, labeling and repackaging the produce. The marketing function of the business involves: buying products directly from producers (farmers), selling the produce to retailers (such as Giant and Safeway), packaging the produce according to the retailers' specification and shipping the produce to the stores. American Produce, Inc., and its predecessors have been operating one type of agricultural operation or another on the Property for seventeen years. On-site plant production was halted in 1996 as a result of the snow storms that destroyed the greenhouses. Since that time American Produce, Inc., has concentrated on the processing of fresh produce for area supermarkets. To our knowledge, American Produce is the only processing facility available to local farmers that offers volume refrigerated storage and affords access to the larger retail markets for the smaller producers.

By letter dated June 18, 1998, the Loudoun County Zoning Administrator opined that American Produce, Inc.'s, present business operation qualifies as an "Agriculture Processing Facility" for which Special Exception approval under Section 2-303(ZZ) is required.

Presently, American Produce is looking for a new home. American Produce desires to relocate to an existing building in the Dulles corridor. If an existing building can be secured, relocation would occur in 6 months or less. However, there are limited facilities available and the demand in the market place for these facilities is great. If an existing facility cannot be secured, then American Produce will undertake a "build to suit" contract. The latter option could be accomplished within 12 months. This revised Special Exception application seeks approval to utilize the existing facilities for a time period not to exceed 12 months to allow the relocation of this use to a new site.

Date of Meeting: December 3, 2001

8.A

BOARD OF SUPERVISORS ACTION ITEM

SUBJECT: Land Use Committee Report/Permanent Pump & Haul
Request / Fairfax Church of God /American Produce
L.C.T.M. # 91/8A

ELECTION DISTRICT: Mercer

CRITICAL ACTION DATE: At the pleasure of the Board

RECOMMENDATION:

Staff: Staff recommends denial of Fairfax Church of God/American Produce Inc.'s request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health, and Fairfax Church of God/American Produce Inc. to provide pump and haul services to the vacant structure.

Land Use Committee: The Land Use Committee voted unanimously to recommend denial of Fairfax Church of God/American Produce Inc.'s request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health, and Fairfax Church of God/American Produce Inc. to provide pump and haul services to the vacant structure. The Committee also requested that this item be placed on the consent agenda of the December 3, 2001 Board meeting.

BACKGROUND:

Fairfax Church of God is in the initial process of purchasing the property owned by American Produce Inc. The property, located at 23219 Evergreen Mills Road (attachment 1) near Arcola, has been vacant since August, 2000. Fairfax Church of God wishes to relocate their congregation to the existing building for their services (attachment 2). The application indicates a maximum congregation of 400 with services on Sunday, Wednesday, and Thursday. In order to accomplish this goal, a Special Exception must be submitted and approved to allow a church in an A-3 zoning and a permanent pump and haul permit must also be approved by the Board of Supervisors. A temporary pump and haul permit was issued to American Produce Inc. in 1998 as part of a Special Exception application (SPEX 1998-0029). The Special Exception was to bring the operation, an agricultural processing facility, into compliance with the County's zoning ordinances while the owner was in the process of relocating the business to another area. The owner had requested a maximum time frame of less than one year for this purpose. The SPEX was withdrawn by the applicant prior to any Board action. However, the temporary pump and haul system was installed in early 1999 to

Fairfax Church of God/ American Produce Pump and Haul
December 3, 2001
Page 2

correct a potential health problem. An inspection of the property in August 2000 noted that the property was vacant. The temporary pump and haul permit became null and void as the time limits were exceeded and the property vacated.

Fairfax Church of God is requesting that the County of Loudoun enter into a contractual agreement with the Virginia Department of Health and Fairfax Church of God to obtain a permanent pump and haul permit. If the pump and haul request is conditionally granted, the church will make application for a Special Exception requesting church use in the A-3 zoning district.

ISSUES:

1. Health Department Policy:

The temporary pump and haul system installed on the property was issued as a temporary repair option, not a permanent solution. Although the soils on the property are unacceptable for any onsite sewage disposal system, there is no current health hazard involved as the property is vacant. The Health Department has historically recommended approval of permanent pump and haul applications only for existing occupied structures that have failing or substandard sewage disposal systems. The temporary permit was issued for 450 gallons/day. The estimated water use for the four hundred member congregation would be approximately 2000 gallons/day (based on State Health Department regulations). It is for these reasons that the Health Department is recommending denial of the application.

2. Comprehensive Plan Policy:

The pump and haul application is not in compliance with the County's General Wastewater Policies in the Revised General Plan which states "Pump and haul operations are not permitted in the Rural Policy Area, Existing Rural Villages, or the Transition Policy Area except as a last resort and temporary wastewater disposal method to address a proven, public health emergency. The County will determine the length of the period during which pump and haul disposal will be allowed".

3. Zoning Ordinance:

The church's proposal would constitute a change of use on the property including a large increase in the volume of wastewater generated. This will require submitting a Special Exception application and receiving Board of Supervisors approval.

FISCAL IMPACT:

Approval of the pump and haul request would result in no fiscal impact to the County. However, approval would entail annual Health Department inspections as well as monitoring of pump outs as required by State Code. Currently, the Health Department monitors 54 structures permitted under 34 permanent pump and haul permits.

ALTERNATIVES:

1. The County not enter into a contractual agreement with Fairfax Church of God /American Produce Inc. and the State Health Department to allow pump and haul services to the property.

Fairfax Church of God/ American Produce Pump and Haul
December 3, 2001
Page 3

OR

2. The County enter into a contractual agreement with Fairfax Church of God /American Produce Inc. and the State Health Department to allow pump and haul services to the property. This will allow the Church to initiate their Special Exception application. Final execution of the contract should be contingent upon the Board of Supervisors granting the Special Exception use.

DRAFT MOTION(S):

1. I move approval of the recommendation of the Land Use Committee that the Board of Supervisors **not** enter into a contractual agreement with Fairfax Church of God/American Produce Inc. and the Virginia Department of Health to allow pump and haul services to the property.

OR

2. I move that the Board of Supervisors enter into a contractual agreement with Fairfax Church of God /American Produce Inc. and the Virginia Department of Health to allow pump and haul services to the property. Execution of the agreement would occur upon the Board of Supervisors granting the Special Exception use.

OR

3. I move an alternate motion.

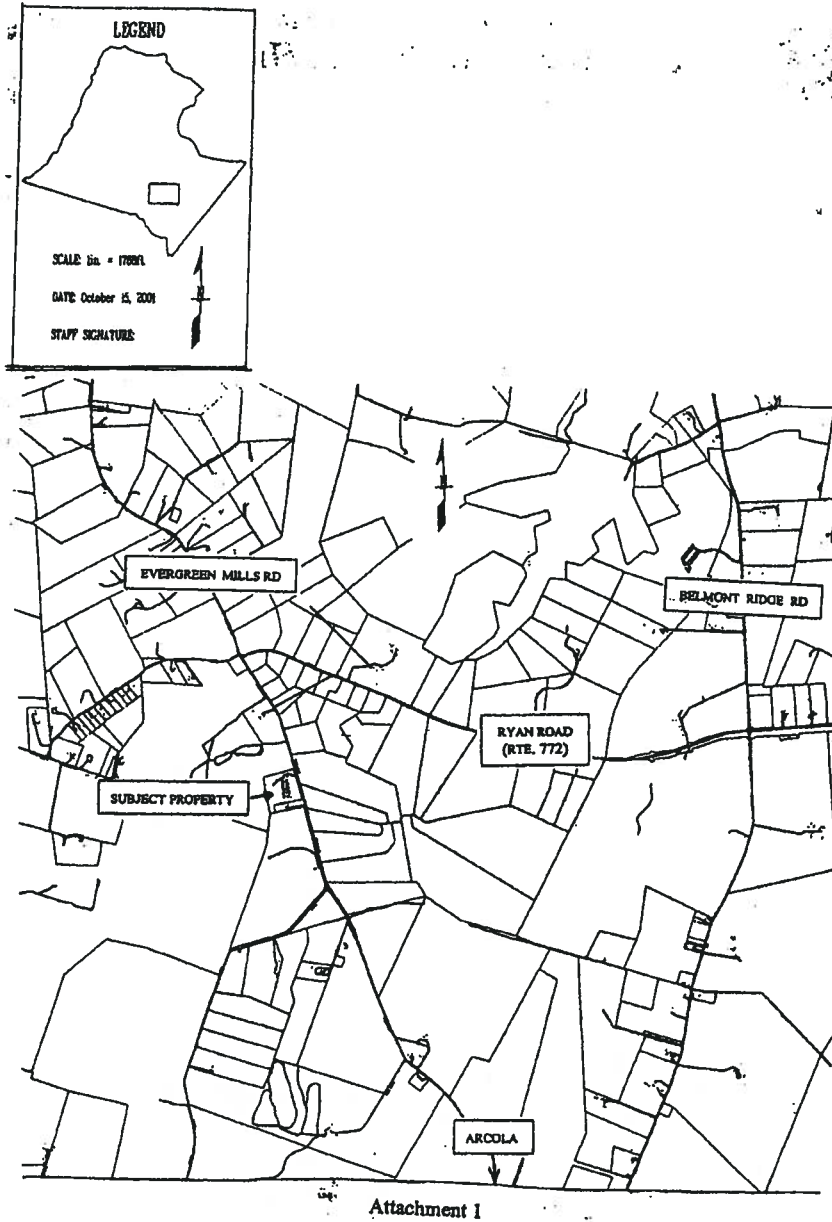
ATTACHMENTS:

1. Vicinity map
2. View of existing building on the site
3. Revised General Plan, Chapter 2 -- General Wastewater Policies

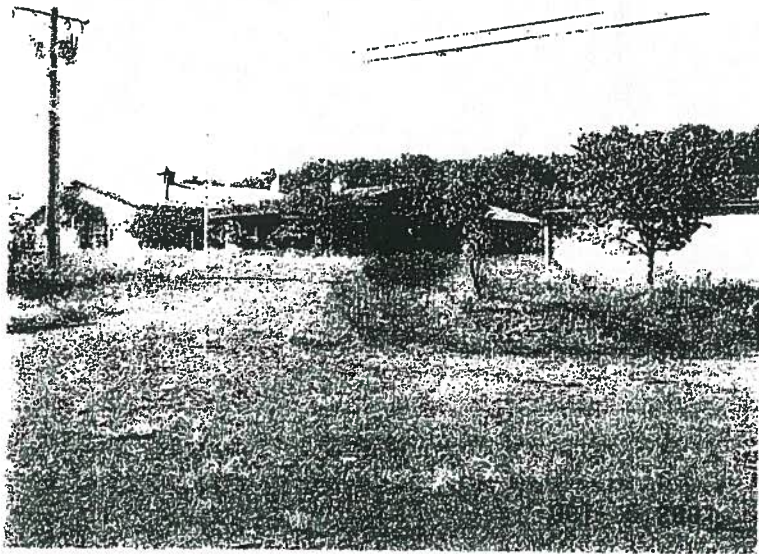
STAFF CONTACT(S):

Larry D. Yates, Chief, Division of Environmental Health, Loudoun County Health Department
Douglas R. Hubbard, Coordinator of Technical Assistance, Loudoun County Health Department

FAIRFAX CHURCH OF GOD/AMERICAN PRODUCE - BOS



View of American Produce property from entrance on Evergreen Mills Road. Property has been vacant over 1 year.



Attachment II

DEC 06 2001



Loudoun County, Virginia

www.co.loudoun.va.us

County Administration

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Administration Building, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Monday, December 3, 2001 at 9:00 a.m.

PRESENT: Scott K. York, Chairman
Eleanore C. Towe, Vice Chairman
William Bogard
James G. Burton
Eugene A. Delgaudio
Chuck Harris
Mark Herring
J. Drew Hiatt
Sally Kurtz

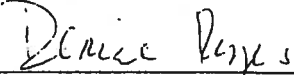
IN RE: LAND USE COMMITTEE REPORT/PERMANENT PUMP & HAUL
REQUEST / FAIRFAX CHURCH OF GOD /AMERICAN PRODUCE L.C.T.M.
91/8A - 1

Mrs. Towe moved that the Board of Supervisors approve the recommendation of the Land Use Committee to not enter into a contractual agreement with Fairfax Church of God/American Produce Inc. and the Virginia Department of Health to allow pump and haul services to the property.

Seconded by Mr. Burton.

Voting on the Motion: Supervisors Bogard, Burton, Delgaudio, Harris, Hiatt, Herring, Kurtz, Towe and York -Yes.

A COPY TESTE:


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

DCR:december 3, 2001 resolution-1

Washington Immanuel Presbyterian Church Pump and Haul Justification

PIN: 243-49-8730

November 26, 2008

Per the requirements of the Commonwealth of Virginia and the Loudoun County Health Department Application for Pump and Haul, the Applicant, Washington Immanuel Presbyterian Church, provides the following justification and compelling reasons why this type of permit should be considered by the Department and the County.

Washington Immanuel Presbyterian Church is a religious organization that has purchased 10 acres of land on the far eastern edge of the rural policy area. The property is located across Evergreen Mills Road from the suburban policy area and the PD-H4 zoning of Brambleton. Unfortunately, due to the policies of the Revised General Plan, the extension of sewer services into the rural policy area is only permitted for public institutional uses, not private institutional uses such as a church. Even still, in order to provide sewer service to the property, the church felt it was possible to transfer the previously issued temporary pump and haul permit from the previous agricultural/lodge user to the newly proposed church use since the property has been consistently occupied by a caretaker. However, despite the presence of the caretaker, if a property changes use, a temporary pump and haul permit cannot be transferred to the new user. Given the inability to transfer the temporary pump and haul permit, and due to unsuitable soils on the property – which prohibits the construction of a conventional or alternative sewage disposal system – the Applicant has essentially run out of sewer options. The only remaining option is to apply for a permanent pump and haul permit.

Previous attempts to obtain permanent pump and haul permits for the property have failed primarily due to their ambitious nature. A previous church application proposed to provide sewer service for a 400-member church and child care facility. In contrast, the proposed Washington Immanuel Presbyterian Church will accommodate a capacity of 200-250 members that will occasionally host activities during the week but will primarily be used for church and ministry services on the weekends.

It is the Applicant's desire to connect to public sewer, but given the policy constraints that limit the extension of public sewer to the rural policy area for private institutional uses, the Applicant understands its limitations. It should be noted that the adjacent northern property owner has been in discussions to sell this property for the purposes of constructing a public school. If the construction of a public school on the adjacent property were to become a reality, the extension of public sewer would be within close proximity to the church property. If the extension of a sewer line comes within close proximity to the church property, the Applicant would be willing to connect the sewer line to its property, which would in turn eliminate the need to continue pump and haul service.

The Applicant is currently in the review process for a special exception to permit a church use on the property. Loudoun County Planning Staff has reviewed the initial submission

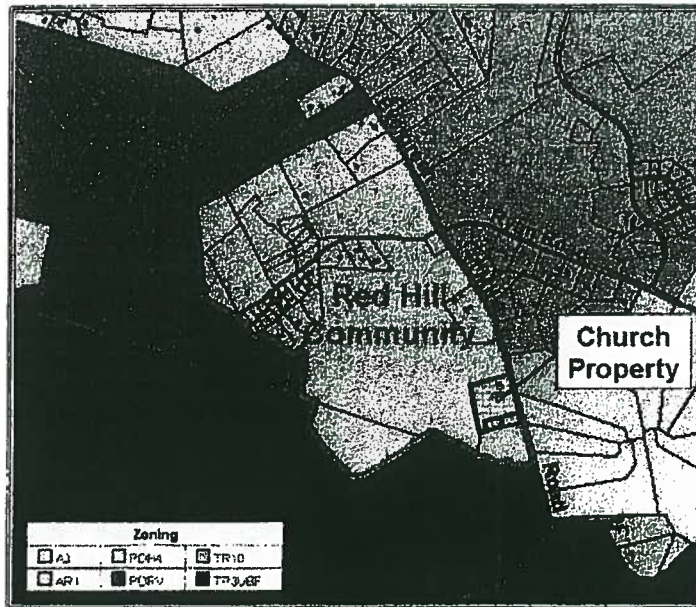
Washington Immanuel Presbyterian Church
Pump and Haul Permit Application Justification
Page 2 of 2

of the special exception application and believes the church use complies with the rural policies of the Revised General Plan, assuming that the permanent pump and haul issue is positively resolved.

Through the various charitable activities and community building that will be fostered, the church will prove to be a beneficial community member. The church property may also serve as a civic space for the Red Hill Community, which currently does not have a community gathering location.

Based on its inability to connect to public sewer or to identify a suitable location for a conventional or alternative sewage disposal system on the property, the Applicant respectfully requests the approval of a permanent pump and haul permit to service the sewer needs of the property.

Vicinity Map





May 13, 2009

SEWAGE DISPOSAL COMPARISON CHART

Commonwealth of Virginia State Board of Health
Sewage Handling and Disposal Regulations Table 5.1

Washington Immanuel Presbyterian Church
Pump & Haul Application
Existing 1800 Gallon Tank (Approved & Built in 1998)
1600 Gallon Cut-off

<u>USE</u>	<u>FLOW</u>
<ul style="list-style-type: none">• Single Family Residence (Current Approved Use) 3 Bedroom (2 person/bedroom) 75 gpd/person (7 days)	450 gpd 3150 gpw Tank would need pumping twice a week
<ul style="list-style-type: none">• Warehouse (Previously Approved Use) 31-45 Employees 10 gpd/employee (6 days)	450 gpd 2700 gpw Tank would need pumping twice a week
<ul style="list-style-type: none">• Church 250 people (Max. Allow Occupancy at any one time) Conservative Estimate 5 gpd/seat in sanctuary (Sunday only) 15 gpd per staff (2 Staff) For 8-hour working day (5 days) 250 x 5=1250 gpd (Sunday Only) 15x2=30x5=150 gpd (Staff)	1250 gpd (Sunday Only) 1400 gpw (Sunday & Weekday Staff) Tank would need pumping once a week

gpd = Gallons per Day
gpw = Gallons per Week

K:\Projects\2426\Sewage Disposal Comparison Chart.doc

1 of 1

Local Policies Relating To Pump and Haul Operations

Revised General Plan - 7/23/01, Amended 04/20/04

Chapter 2 - Planning Approach

Infrastructure

General Water and Wastewater Policies

General Wastewater Policies, pp 21 – 22

11. The County will allow permanent pump-and-haul operations only to serve existing non-residential uses in the Suburban Policy Area if there is a demonstrated health risk associated with the existing on-site treatment facility and the use is a permitted use as identified by the Zoning Ordinance. Permanent pump-and-haul operations will not be permitted to serve new development or serve as a means of expanding an existing use. The Health Department and the LCSA must approve pump-and-haul operations.

Rural Policy

12. Pump-and-haul operations are not permitted in the Rural Policy Area or Existing Rural Villages except as a last resort and temporary wastewater disposal method to address a proven, public health emergency. The County will determine the length of the period during which pump-and-haul disposal will be allowed. (Amended 04/20/04).

LOUDOUN WATER

WWW.LOUDOUNWATER.ORG

PO Box 4370 44865 Loudoun Water Way Ashburn, VA 20146
Tel: 571-757-7700 Fax: 571-723-2910

January 14, 2009

Mr. Douglas R. Hubbard
Loudoun County Health Department
Division of Environmental Health
County Government Center
1 Harrison Street, S.E.
2nd Floor
P. O. Box 7000
Mailstop #68
Leesburg, VA 20177

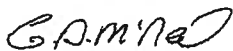
Re: 23219 Evergreen Mills Road

Dear Mr. Hubbard:

The current location of public sanitary sewer collection system in relation to the above address is 3,675 feet in a direct line traversing four private parcels. As far as proposed work goes, there is a project that has been approved by the Authority and is currently under construction to the south of said property when completed there will be a distance of 3,700 feet traversing two private parcels. Due to the sluggish housing market, projects such as these become lesser a priority to the development community. It is difficult to foresee the future of the facility extensions.

Should you have any questions, please contact me at 571-291-7933 or email gmcneil@loudounwater.org.

Sincerely,



Guy D. McNeil
Senior Engineering Technician

GDM:jkh

REC'D JAN 14 2009

Section 2-400

A-3 Agricultural Residential.

2-401

Purpose. This district is established to provide for the continued practice of agriculture, farm operations, agriculturally related and home based businesses, low density residential developments, preferably in a hamlet subdivision pattern, and other uses in a predominantly rural environment. The district also permits direct marketing of farm products and services.

2-402

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry, and fishery, pursuant to Section 5-626.
- (B) Accessory apartment or dwelling unit, pursuant to Section 5-613.
- (C) Bed and breakfast homestay, pursuant to Section 5-601(A).
- (D) Child care home, pursuant to Section 5-609(A).
- (E) Equestrian facility, on lots of fifty (50) acres or more, with frontage on a state maintained road.
- (F) Guest farm or ranch, leasing no more than three (3) guest rooms.
- (G) Guest house, pursuant to Section 5-612.
- (H) Rural hamlet, pursuant to Section 5-702.
- (I) Home occupation, pursuant to Section 5-400.
- (J) Nature preserve, such as but not limited to, wildlife sanctuary, conservation areas, and game preserve.
- (K) Nursery, production, with frontage on a state maintained road, pursuant to Section 5-605.
- (L) Public or private playground, or neighborhood park.
- (M) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (N) School, private elementary or middle, for fifteen or less (15) pupils.
- (O) Dwelling, single-family, detached, including manufactured housing.

- (P) Small business, pursuant to the provisions of Section 5-614.
- (Q) Stable, neighborhood on lots of twenty five (25) acres or more, with frontage on a state maintained road.
- (R) Stable, private.
- (S) Tenant dwelling, pursuant to Section 5-602(A) & (C).
- (T) Wayside stand, pursuant to Section 5-604.
- (U) Utility substation, dedicated.
- (V) Bus shelter.
- (W) Commuter parking lot, with 50 spaces or less.
- (X) Farm machinery sales and service, pursuant to Section 5-615.
- (Y) Sewer pumping station, pursuant to Section 5-621.
- (Z) Water pumping station, pursuant to Section 5-621.
- (AA) Mill, feed and farm supply center.
- (BB) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (CC) School, public.
- (DD) Pet Farm.
- (EE) Telecommunications antenna, pursuant to Section 5-618(A).
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (GG) Municipal drinking water supply reservoir.

2-403

Special Exception Uses. The following uses may be approved by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Bed and breakfast inn, pursuant to Section 5-601(B).
- (B) Cemetery, mausoleum or memorial park, pursuant to Section 5-637.
- (C) Church, synagogue and temple.

- (D) Nursery, commercial, pursuant to Section 5-605.
- (E) Community center.
- (F) Convent, monastery, or seminary, pursuant to Section 5-656.
- (G) Country inn, pursuant to Section 5-601(C).
- (H) Camp, day and boarding.
- (I) Equestrian facility, on lots of less than fifty (50) acres or without frontage on a state maintained road.
- (J) Extraction of sedimentary rock.
- (K) Farm market, pursuant to Section 5-603.
- (L) Fire and/or rescue station.
- (M) Guest farm or ranch, leasing four to twenty (4-20) guest rooms.
- (N) Kennel, pursuant to Section 5-606.
- (O) Nursery, production, without frontage on a state maintained road, pursuant to Section 5-605.
- (P) Private club or lodge.
- (Q) School.
- (R) Public utility service center and storage yard.
- (S) Recycling drop-off collection center, large, pursuant to Section 5-607.
- (T) Continuing care facility.
- (U) Orphanage, or similar institution.
- (V) Rural retreat, pursuant to Section 5-601(D).
- (W) Small business, pursuant to the provisions of Section 5-614.
- (X) Stable, neighborhood, on lots less than twenty-five (25) acres, or without frontage on a state maintained road.

- (Y) Structure or use for federal, state, county, or local governmental purposes, not otherwise listed.
- (Z) Tenant dwelling, pursuant to Section 5-602(B) & (C).
- (AA) Testing station.
- (BB) Veterinary service.
- (CC) Utility substation, transmission, pursuant to 5-616.
- (DD) Utility transmission lines, overhead.
- (EE) Hospital, pursuant to Section 5-610.
- (FF) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (GG) Yard waste composting facility.
- (HH) Airport.
- (II) Arboretum.
- (JJ) Auction house.
- (KK) Borrow pit for construction.
- (LL) Child or adult daycare center, pursuant to Section 5-609.
- (MM) Commuter parking lot with greater than 50 spaces.
- (NN) Congregate housing facility.
- (OO) Country club.
- (PP) Educational or research facility related to uses permitted in this district.
- (QQ) Fairgrounds.
- (RR) Golf course
- (SS) Marina.
- (TT) Playing fields and courts, lighted.
- (UU) Public or private community or regional park.

- (VV) Radio and/or television tower.
- (WW) Sawmill, pursuant to Section 5-629.
- (XX) Sewage treatment plant.
- (YY) Agricultural processing facilities such as. abattoir, cannery, grain mill, and the like.
- (ZZ) Animal hospital.
- (AAA) Water storage tank.
- (BBB) Utility substation, distribution, pursuant to Section 5-616.
- (CCC) Rural resort, pursuant to Section 5-601.
- (DDD) Crematorium, pursuant to Section 5-637.
- (EEE) Rural agricultural corporate retreat, pursuant to Section 5-619.
- (FFF) Vegetative waste management facility.
- (GGG) Recreation establishment, outdoor or indoor.
- (HHH) Magazine contained explosives facility, pursuant to Section 5-622.
- (III) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (JJJ) Police Station.

2-404

Lot Requirements (See Section 1-205).

- (A) **Size.** Three (3) acres minimum.
- (B) **Width.** Three hundred (300) feet minimum for lots fronting on Class I Roads; two hundred (200) feet minimum for lots fronting on Class II or III Roads; and fifty (50) feet minimum for lots fronting on a private access easement.
- (C) **Length/Width Ratio.** 5:1 maximum.
- (D) **Yards.** No building shall be located within twenty five (25) feet of any property line nor within one hundred (100) feet from the right of way of any arterial road, seventy five (75) feet from the right of way of any collector road, and thirty five (35) feet from any other

road right of way, private access easement, and any prescriptive easement.

2-405

Building Requirements.

(A) Lot Coverage.

- (1) **Residential:** Eight (8) percent maximum, based on gross acreage, excluding agricultural structures.
- (2) **Non-residential:** Fifteen (15) percent maximum, based on gross acreage, excluding agricultural structures.

(B) Building Height. Thirty five (35) feet maximum, except no restriction for buildings used exclusively for agriculture.

2-406

Use Limitations.

- (A) No non-agricultural use shall be permitted which, because of its nature, location, or manner of operation, is dangerous or noxious because of noise, odor, fumes, gas, glare, light, vibration, smoke, emission of particulate matter or effluents, or for other similar reasons.
- (B) Except as expressly allowed by this Ordinance, no municipal and/or communal wastewater treatment systems shall be established or extended in the A-3 district.
- (C) Except as expressly allowed by this Ordinance, no municipal and/or communal water service or system shall be established or extended in the A-3 district.
- (D) More than one structure housing a permitted or permissible principal use may be erected on a single lot provided that yard, area, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

